



# Civilian Personnel News



# UPDATE

Issue Number 11-01

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## Health Benefits Open Season & Annual Health Fair

In this year's Open Season, which runs from **Monday, November 8 through Monday, December 13, 2010** federal employees can take the actions listed below for the Federal Flexible Spending Account Program (FSAFEDS), Federal Employees Dental and Vision Insurance Program (FEDVIP), and the Federal Employees Health Benefits Program (FEHB).

1. Enroll in a flexible spending account -- a health care and/or dependent care account, under the FSAFEDS Program. Unlike with other programs, employees **MUST** reenroll in FSAFEDS each year to participate. Enrollments **DO NOT** carry over year to year.
2. Enroll in, change, or cancel an existing enrollment in a dental plan under the FEDVIP Program.
3. Enroll in, change, or cancel an existing enrollment in a vision plan under the FEDVIP Program.
4. Enroll in, change, or cancel an existing enrollment in a health plan under the FEHB Program.

FEHB business transactions are made at the Army Benefits Center-Civilian (ABC-C) either by telephone at 1-877-276-9287, or on line at [www.abc.army.mil](http://www.abc.army.mil) at the Benefits/EBIS tab. You need the enrollment code of the health plan of your choice. You will find this code in the FEHB Plan Comparison Guide, RI 70-1, or in the appropriate plan brochure. Additionally, these plan comparison charts are accessible from the OPM

web page at <http://www.opm.gov/insure>. If your enrollment is for Self and Family coverage, you will need each family members' SSN and date of birth.

**The Annual Health Fair for Fort Leonard Wood employees is scheduled for 12 November 2010 from 9:00 a.m. until 2:00 p.m. in Building 470, Room 2225.**

Open Season changes are effective the first day of the first full pay period that begins in January 2011. Generally, mid-year changes are effective on the first day of the pay period which begins after your enrollment is received.

## **Scheduling “Use or Lose” Annual Leave**

Employees should be scheduling any unused “use or lose” annual leave now, to be used before the end of the leave year. This year the last day to have your use or lose leave approved is 20 November 2010. It must be used no later than 1 January 2011. Employees may only request restoration of scheduled annual leave canceled due to an exigency of the public business. This “use or lose” annual leave must have been requested in writing by the employee and approved by the supervisor at least three biweekly pay periods before the end of the leave year. The leave may be scheduled for use during the final three pay periods; however, the scheduling decision must have been made before the beginning of the third biweekly pay period before the end of the leave year. An OPM Form 71 shall be used for this purpose. When an employee chooses not to schedule or use annual leave to avoid forfeiture, he or she will not be eligible to have forfeited leave restored.

## **Donated Leave Transactions**

Defense Finance and Accounting Service (DFAS) is responsible for ensuring all calendar yearend processing tasks are completed accurately and timely. There are certain transactions that occur at yearend that require special attention. To ensure the donated leave is processed to the recipients timely and accurately, these transactions need to be submitted to the DFAS Payroll Office by 18 December 2010. If you have use or lose annual leave, please consider donating it to an employee on the Leave Donor List.

The leave recipient's supervisor shall continuously monitor the status of the medical emergency affecting the leave recipient to ensure whether the recipient continues to be affected by a medical emergency. Upon determination of the medical emergency, the leave recipient's employing organization must immediately notify, in writing the G-8/DRM ATTN: CSR, of the date of termination and the reason therefore.

Please submit signed FLW Form 466, a copy of current LES to time keeper from your organization if you want to donate annual leave. All copies must be submitted before pay period ending December 18, 2010 to the G-8 office. For all MEDDAC employees please submit information to Mr. Frank Hollingshead. All “use or loss” leave must be used before January 1, 2011.

## **TERMINAL LEAVE**

### **Annual Leave Accounts Upon Separation**

An employee will receive a lump-sum payment for any unused annual leave when s/he separates from federal service or enters active duty and elects to receive a lump-sum payment. At separation, an employee is entitled to payment for all annual leave s/he has earned. This includes the regular carryover balances from the previous year, if any; the current leave year's unused earned leave; and, any unused restored leave that has not reached the two year expiration date. **Employees with annual leave that is appropriate for inclusion in separation payments may not use the leave as what is commonly referenced as terminal leave unless exigencies of the service require such action.** Terminal leave is leave used just prior to an employee's departure from the federal government when the supervisor knows the individual will not return to other federal employment. There are exceptions. Some examples are:

1. If the employee is being separated due to reduction-in-force or declination of transfer of function, s/he can use the leave to extend the separation date to attain first eligibility for a retirement annuity and/or for Federal Employees Health Benefit (FEHB) annuitant coverage.
2. If the employee has applied for disability retirement; s/he may use leave.
3. If the employee returns to work on his/her last administrative workday, s/he may use leave.
4. If the employee takes leave during the final hours of the last day of employment before separation, providing s/he substantially worked the entire final pay period, including part of the last day.

If an employee receives a lump-sum payment and is then re-employed by the government before the end of the period covered by the payment, s/he must refund an amount equal to the gross compensation received for the unexpired portion of the lump sum leave period. This includes pay before deductions of any kind and, if applicable, differentials and allowances received as well.

### **Sick Leave for Federal Employees Retirement System (FERS) Employees:**

Allows employees covered by the FERS to receive credit for unused sick leave toward their retirement annuity, as is currently the case for employees covered by the older Civil Service Retirement System. The provision reduces the incentive for employees to use excess sick leave as they approach retirement. OPM estimates the current "use it or lose it" system results in \$68 million in lost productivity each year.

**NOTE:** *For federal employees under the FERS system who were anticipating getting credit for their unused sick leave upon retirement, take note that the new system will not take effect immediately. It will be phased in. This means that until December 31, 2013, employees would receive a credit of 50 percent for unused sick leave. After this date, they would receive full credit for their unused leave.*

### **Expanded Definition of Family Member and Immediate Relative**

The U.S. Office of Personnel Management (OPM) has issued final regulations concerning the definitions related to *family member* and *immediate relative* for the use of **sick leave, funeral leave, voluntary leave transfer, voluntary leave bank, and emergency leave transfer.**

These final regulations were written to promote consistent application of policy across the Federal Government, and to allow the Federal Government to serve as a model employer. Specifically, the regulations modify the definitions of *family member* and *immediate relative* and create new definitions for associated terms. **The new and expanded definitions now cover grandparents and grandchildren, same-sex and opposite-sex domestic partners, step parents, step children, foster, guardianship, and similar relationships.**

The definition of family member means an individual with any of the following relationships to the employee:

- (1) Spouse, and parents thereof;
- (2) Sons and daughters, and spouses thereof;
- (3) Parents, and spouses thereof;
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Domestic partner and parents thereof, including domestic partners of any individual in paragraphs (2) through (5) of this definition; and
- (7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

*Please note that the new definitions do **not** apply to the Family and Medical Leave Act (FMLA). The situations in which an employee can invoke FMLA leave and the individuals for whom an employee can provide care under FMLA are specified in law.*

## **Weingarten Rights**

### **NOTICE OF RIGHT TO REQUEST UNION REPRESENTATION (WEINGARTEN RIGHTS)**

As required by Section 7114(a)(3) of Title 5, United States Code, employees are hereby provided annual notice of the rights set forth below.

Section 7114(a) of Title 5, US Code, provides representation rights to employees in certain investigatory examinations. An employee, upon request, has the right to union representation at an investigatory interview which the employee reasonably believes might result in disciplinary action. This right does not accrue to employees who are not covered by an appropriate bargaining unit (i.e., where a legitimate union-management relationship exists).

Section 7114(a) of Title 5, United States Code states that:

"(2) an exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at—"

"(B) an examination of any employee in the unit by a representative of the agency in connection with an investigation if—"

"(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and"

"(ii) the employee requests representation."

The employee's right to request representation as a condition of participation in an examination is limited to situations where the employee reasonably believes the investigation may result in disciplinary action. The right does not extend to "run-of-the-mill" shop floor conversations, for example, work instructions, training, corrections of work techniques, or counseling sessions. In such cases, there normally will not be any reasonable basis for an employee to fear that any adverse impact may result from the interview. Therefore, no reasonable basis for the employee to seek the assistance of a representative exists.

The Federal Labor Relations Authority has held that the right of the union to be represented includes the right to effectively represent the employee. The union representative must be allowed as much latitude as is consistent to maintain an orderly investigative process. On the other hand, the union representative should not be permitted to substitute his/her answers to questions for those of the employee or to prevent the employee from answering questions.

Any questions concerning the above guidance/information should be directed to your Labor/Management Employee Relations (LMER) Specialist at the Civilian Personnel Advisory Center (CPAC), telephone, 596-0297. In all cases, managers/ supervisors should contact the CPAC for guidance before denying the rights to representation to any nonsupervisory employee.

### **Weather Information (573) 596 4141**

When severe winter weather threatens the Fort Leonard Wood area, it can be a time of chaos and concern, and that's why the Snow and Ice Removal program is a necessary and crucial step to keeping our community safe.

Extremes in winter weather pose challenges on training, installation operations and can increase the risk of weather- related accidents and injuries. SNAIR operations help to alleviate those concerns when such occurrences strike Fort Leonard Wood, and ensure training and operations continue with minimal disruption.

### **Local/Regional Radio Stations**

Fort Leonard Wood personnel should monitor local and regional radio stations for road conditions updates, closures and other inclement weather announcements. In order to free up station telephone lines, it is advised not to call the radio stations directly. Stations normally have extended radio announcer hours in bad-weather situations.

Local stations and their frequencies are:

**KJEL - Lebanon 103.7 FM (24 Hour Station)**

**KTTR - Rolla 99.7 FM**

**KFBD - Waynesville/St. Robert 97.9FM**

**KFLW – Waynesville/St Robert 98.9 FM**

**All Supervisors of employees should review FLW CPR 690-12 Leave Administration Chapter 12-Dismissal/Leave During Emergency Situations**

**Send Your HR questions to:**  
[leon.pecpswrm@conus.army.mil](mailto:leon.pecpswrm@conus.army.mil).